

**TOWN COUNCIL
REGULAR MEETING
AUGUST 5, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Arthur Joseph, 13700 SW 18 Court, thanked American Medical Response for their quick and timely response in coming to the aid of Al Tyler who suffered a heart attack and a stroke on July 24, 1998. Mr. Joseph also thanked the many others who visited or called Mr. Tyler.

Dean Alexander, 13820 SW 16 Street, discussed a letter that had appeared the previous week in the Community News authored by Mr. Davenport who made disparaging remarks about Mr. Tyler and himself.

Caroline WinPenne, 5252 SW 33 Street - representing the Everglades Mobile Home Community Homeowners Association, discussed the traffic light at Reese Road and the fact that the residents had been fighting this issue for nine years. She asked on the status of the light. Assistant Town Administrator Robert Rawls advised that arrangements were being made between the State of Florida, the Town, and the individual property owners. He indicated that all plans and designs were complete and were in the process of being reviewed by the various agencies. He anticipated that the project would begin in September or October. Vice-Mayor Cox suggested that Ms. WinPenne return to Council in October for an update.

Sally Liberato, 3737 West Valley Green Drive, commented on that the Town had a senior citizen population and they desperately needed a place of their own along with a bus. She suggested that Council put the issue of senior citizens at the top of their list of priorities.

An unidentified woman (Ms. Olsten) reiterated Ms. Liberato's comments and indicated that bus transportation was needed. She asked Council to do something about this situation.

Jean Mesler, 13300 SW 29 Street, thanked Councilmember Judy Paul for taking an interest in the Code amendments for special residential facilities and being instrumental in urging the Town to hold workshop on this matter. She informed Vice-Mayor Cox that she had in fact written to Senator Forman about the issue and he had not responded. Ms. Mesler announced that the workshop would be held August 6, 1998.

Jane Radanof, 4747 SW 72 Avenue, voiced concern over the changes that were taking place along Griffin Road and the surrounding area. She and her husband wanted to go on record as being opposed to any variances or rezoning procedure that would promote commercial development.

Bob Waitkus, 4720 SW 72 Avenue, thanked the Council for discussing the concerns about the new Griffin Road corridor and expressed agreement with Ms. Radanof. He stated that it was understood that Griffin Road needed to be widened, however, he was opposed to any commercial development. Mr. Waitkus mentioned an upcoming workshop planned for September 10th concerning this issue. Development Services Director Michele Mellgren stated that there was no formal recommendation and indicated the workshop was to look at the impact of the roadway corridor and to hear the citizen's concerns. Vice-Mayor Cox questioned whether a consultant was preparing for the workshop with Ms. Mellgren replying in the affirmative.

Bob Muccio, 13501 SW 14 Place, stated that he was opposed to the special permit for Nextel. Mayor Venis advised that the issue would be discussed later in the meeting and Mr. Mucio would be entitled to speak at that time.

Michael Davenport, 14041 SW 22 Place, asked Councilmember Weiner for a clarification on the joint powers agreement and his relationship with the different unions. He stated that during Mr. Flatley's evaluation, he understood that one Councilmember had asked Mr. Flatley to interfere with employee's after hours relationships. Mr. Davenport voiced his disagreement with the Town having any interest in the private lives of its employees. John Pisula, 2933 SW 136 Avenue, thanked everyone for their cards and well wishes over the birth of his second daughter. Mr. Pisula requested that people keep Mr. Tyler in their thoughts and prayers.

Dan Frost, 4100 SW 54 Avenue, thanked Police Chief Jack Mackie and his staff for the increase in officers in the Little Ranches area noting that their visibility in the neighborhood had reassured many residents of the area.

4. PRESENTATIONS

4.1 Legislative Update - Representative Debbie Wasserman-Schultz

Later in the meeting, Representative Wasserman-Schultz thanked Council for allowing her to come before them and congratulated Councilmembers Paul and Weiner on becoming Councilmembers.

Representative Wasserman-Schultz gave some brief highlights of what occurred during the legislative session. One of the issues addressed during the session was improving the quality of education. An additional \$734 million was appropriated for education with Broward County receiving one of the largest increases in the State. However, an amendment that would begin to reduce the class size in Broward County had not passed and the money that would have gone towards that was now in a rainy day fund. Another issue addressed by the legislature was the concern for safety in schools, although more money was not allocated for the trust fund set up for that purpose.

With regard to health care, the federal government was matching state funds for a children's health insurance program, which allowed the State of Florida to expand Healthy Kids and Healthy Start.

Representative Wasserman-Schultz praised the appointment of David Sigerson as the Town's advocate in Tallahassee. She advised that Mr. Sigerson had supported her in getting two local bills passed relating to South Broward Utilities. The first bill set up a South Broward Utility Advisory Board consisting of two members appointed by the Town, one appointed the City of Pembroke Pines, two appointed by the Broward County Commission, and two appointed by the City of Sunrise. The second bill required public hearings so that any time the City of Sunrise proposed to increase the rates for utilities, a public hearing must be held.

Representative Wasserman-Schultz announced that \$200,000 had been budgeted for the Young At Art Children's Museum.

4.2 Dennis Lee Rogers, Navajo Nation

Councilmember Paul introduced Dennis Lee Rogers, a resident from the Navajo Nation of Topeka, Kansas. Mr. Rogers began by asking for a brief moment of silent prayer. He discussed "Community Unity," and how communities came together for the achievement of common goals. He congratulated the residents and Council for having the insight to fashion the city in a manner that allowed for open spaces, natural habitat, and the continuation of their culture. Mr. Rogers made a presentation of the City of Topeka's lapel pin and pen with the city logo from Topeka and Mayor Joan Wagman to Mayor Venis and the Town. Mr. Rogers emphasized how important it was to save the land and natural resources for future generations.

Mayor Venis, on behalf of the Town and Council, presented Mr. Rogers with the Key to the Town.

4.3 Paramedic/Firefighter Training Status Report

Chief Michael Donati introduced EMS Coordinator Joseph Rivero who provided an update on the EMS system. He outlined the training schedule indicating that there were a total of 2,096 hours of training to date. Mr. Rivero also advised Council that two new firefighter/paramedics had been hired and were going through their initial orientation.

4.4 The Broward Alliance, Partners for Economic Growth

Robert Legg, Lynn DeLorenzo and Kathy McKenzie made a request for support and participation in the Broward Alliance. Mr. Legg introduced Mike Langley, Broward Alliance's Chief Operating Officer, who provided a quick overview of the Alliance. He stated that the main focal point was the county-wide information network, which acted as an umbrella for the other focal points and allowed municipalities and businesses to interact in terms of business, education, and programs for attraction and retention and growth of business. Mr. Langley advised that other focal points were continued focus on attraction of businesses from both national and international sources to the area; actual growth and retention of existing business; strong focus on education from a business perspective versus an academic perspective; targeted industries area, i.e., film and television industry development; and development of the sports industry.

Mr. Langley asked that the Alliance be considered in the budget deliberations to become a partner for economic

and community development.

Councilmember Paul inquired how the Alliance would compare with what the Davie/Cooper City Chamber of Commerce provided regarding direct education to businesses. Mr. Langley explained that many Chambers were members of the Alliance and therefore there was a lot of direct liaison with the Alliance. He indicated that the goals of the Alliance were much broader than those of a Chamber.

Vice-Mayor Cox asked Mr. Langley what kind of a mechanism the Alliance had for the Town to assess what it received in return for membership. Mr. Langley stated that a detailed report would be provided every month to all of the investors on the activities that had been performed and the results of those activities.

Mr. Langley advised that the Alliance was a five-year initiative but that they were only looking for a one-year investment, and hoped to prove that this program would work for the residents of Broward County.

Mr. Flatley inquired as to whether the Alliance was replacing the Broward Education Development Board. Mr. Langley responded that the Alliance was a restructuring of the Broward Economic Development Council.

4.5 Davie/Cooper City Chamber of Commerce

Cara Pasquale, President, advised of the events that the Chamber was planning.

4.6 Upcoming Special Events - Sharon Pierce-Kent

Athletic Supervisor Mark Dornacker announced that upcoming events included: registration for girls' softball program; baseball tryouts start (August 19th - boys ages 9 to 14); registration for flag football program (boys and girls ages 4 1/2 to 12); cheerleading program (ages 4 1/2 to 12); and the grand opening of Shenandoah Park Phase II (August 8th).

4.7 Third Quarter Financial Status Report

Budget and Finance Director Christopher Wallace reported that the third quarter was an improvement over the first two quarters as revenues had improved and expenditures were brought back in line with expectations. He stated that the Town was expected to finish the year in solid financial shape and the budget should be in line with what was adopted.

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Computer Held, Co., 13630 SW 24 Street (tabled from July 15, 1998)

This item was withdrawn.

5.2 Apolo Builders, 14650 SW 29 Place

Debbie Apolinario, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.3 Carlton Audio Services, Inc., 14330 SW 20 Street

Caroline Carlton, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.4 H & R Aviation, Inc., 14330 SW 14 Street

Harold Hensley, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul -

yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.5 Mt. Everest International Corp, 11401 SW 25 Court

Murali Shankar, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.4 needed to be tabled to August 19, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to table until August 19, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.6 needed to be tabled to August 19, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table until August 19, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.7 needed to be tabled to August 19, 1998.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table until August 19, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

LARRY LANE. Councilmember Weiner stated that Mr. Lane had passed away and noted that he would be missed.

HORSE TRAIL. Councilmember Weiner requested an update regarding the proposed horse trail on SW 142 Street with Mr. Webber indicating that significant progress had been made. He advised that the homeowners had retained an attorney, Jim Brady, who had communicated the resident's position to Council, which was basically whatever interest the Town had had been abandoned. Additionally, some of the residents had filed a claim on their title insurance policies. Mr. Webber stated that after speaking to the different attorneys, it appeared that it would be helpful to go forward with a friendly declaratory relief action where the facts would be stipulated to, a mini-trial being held for the few facts that could not be stipulated to, and then to ultimately have a court determination to resolve the matter. He recommended going forward with the relief action so that a ruling could be made that would clear up the issue.

INVESTIGATION OF USE OF FIRE TRUCK. Councilmember Weiner indicated that a report was being generated by Chief Donati concerning a fire truck being used in a campaign video. He requested a copy of that final report.

VICE-MAYOR COX

COMMUNITY UNITY. Vice-Mayor Cox addressed the issue of the political atmosphere in the Town, suggesting that everyone take to heart Mr. Rogers' presentation regarding being open minded. She stated that the Town had been involved for the past few months in some mud-slinging and back-biting. Vice-Mayor Cox asked that this kind of non-productive activity come to an end and that the Town move forward.

HISTORY. Vice-Mayor Cox gave a brief history of her involvement with politics in the Town along with Larry Lane, Al Tyler, and Ruth and Murray Baim. She expressed sentiments about the empty seats due to the passing of Mr. Lane and the illness of Mr. Tyler and indicated how much each had contributed in their own way to the growth of the Town. Vice-Mayor Cox suggested that Council continue the tradition of placing a plaque on Mr. Lane's chair.

COUNCILMEMBER PAUL

LARRY LANE. Councilmember Paul made a few remarks about Larry Lane, relating how much she admired him for remaining active for as long as he was able.

AL TYLER. Councilmember Paul wished Al Tyler a speedy recovery.

BLOCK PARTY AT DAVIE JUNCTION. Councilmember Paul mentioned the block party with Tracie Lawrence being held this weekend.

NOTICES OF HEALTH FAIR. Councilmember Paul stated that there would be a Health Fair at Ehlinger Apartments on August 29th and the Fair was open to all students. She indicated that there would be free school physicals, immunizations, vision screening, child identification, and blood pressure screenings.

COUNCILMEMBER BUSH

AL TYLER. Councilmember Bush wished Al Tyler a speedy recovery, adding that he hoped Mr. Tyler would come back and keep the Council on its toes.

LARRY LANE. Councilmember Bush expressed sadness at the passing of Larry Lane and mentioned the many things that he had done for the Town.

MAYOR HARRY VENIS

AL TYLER. Mayor Venis wished Al Tyler a speedy recovery and stated that Al was making some progress.

LARRY LANE. Mayor Venis offered his condolences to the family and friends of Larry Lane. He agreed with Vice-Mayor Cox' suggestion of putting a plaque on the chair.

Mayor Venis stated that he would be reserving further comments for the end of the meeting.

7. TOWN ADMINISTRATOR'S COMMENTS

COUNCIL WORKSHOP. Mr. Flatley encouraged everyone to attend the workshop regarding special residential facilities being held on August 6th.

BUDGET. Mr. Flatley advised that the first public hearing on the budget was scheduled for September 3rd.

GRIFFIN ROAD CORRIDOR STUDY. Mr. Flatley encouraged participation in this meeting on September 10th.

8. CONSENT AGENDA

Minutes

8.1 May 13, 1998 - Workshop Meeting

8.2 June 3, 1998 - Regular Meeting

Proclamation

8.3 Firefighter Appreciation Week (August 31 - September 7, 1998)

Resolutions

8.4 **GRANT FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-242 AUTHORIZING THE APPLICATION FOR ELEVENTH YEAR RECYCLING GRANT FUNDS FROM BROWARD COUNTY.** (for picnic tables and safety vests - \$14,040)

8.5 **RODEO GROUNDS RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, R-98-243 FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE FULLY MONTY PRODUCTION FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT A HORSE SHOW.** (August 15, 1998; rental fee - \$500)

8.6 **RODEO GROUNDS RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, R-98-244 FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT A YOUTH RODEO.** (August 29 - 30, 1998; rental fee - waived)

8.7 RODEO GROUNDS RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, R-98-245 FLORIDA, AUTHORIZING THE Town TO ENTER INTO AN AGREEMENT WITH THE HOLLYWOOD DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (August 10, 1998 - August 11, 1999; rental fee - \$3,120)

8.8 RODEO GROUNDS RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, R-98-246 FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE FORT LAUDERDALE DOG CLUB FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT DOG HANDLING COMPETITION. (March 20 - 21, 1999; rental fee - \$1,000)

8.9 WAIVE PERMIT FEES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-247 AUTHORIZING THE Town TO WAIVE BALLFIELD PERMIT FEES FOR THE PERIOD FROM JANUARY, 1999 TO MAY, 1999 FROM 2:00 PM TO 5:30 PM AT BAMFORD SPORTS COMPLEX, FIELD #3 FOR THE UNIVERSITY SCHOOL'S BASEBALL PROGRAM.

8.10 BID SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-248 APPROVING THE BID SPECIFICATION FOR VEHICLE TOWING SERVICES.

8.11 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO R-98-249 PURCHASE A NEW CANINE, TO REPLACE AN INJURED CANINE, FOR THE DAVIE POLICE DEPARTMENT AND AUTHORIZING SAME FROM THE LAW ENFORCEMENT TRUST FUND. (Orchard Knoll Kennels, Inc.; \$4,700 plus \$300 travel and miscellaneous expenses)

8.12 CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-250 FLORIDA, EXTENDING THE CONTRACT WITH ENVIRONMENTAL REAGENT SERVICE, INC. FOR WATER AND WASTEWATER TESTING CHEMICALS. (two year extension)

8.13 TAX CREDIT PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, R-98-251 FLORIDA, CERTIFYING THAT THE HOMEOWNERSHIP ACTIVITIES PROVIDED BY HABITAT FOR HUMANITY OF BROWARD, INC., IN THE Town, were CONSISTENT WITH THE TOWN'S HOUSING AND COMMUNITY DEVELOPMENT PLANS; PROVIDING AN EFFECTIVE DATE FOR THE RESOLUTION; AND AUTHORIZING THE TOWN'S HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR TO FILE THE RESOLUTION WITH THE STATE OF FLORIDA, OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT.

8.14 COMMITTEE EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-252 FLORIDA, EXTENDING THE JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE.

8.15 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-253 FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING OF THE 1998/99 URBAN AND COMMUNITY FORESTRY GRANT FUNDS PROVIDED THROUGH USDA FORESTRY SERVICE IN AN AMOUNT UP TO \$20,000.

8.16 BEAUTIFICATION PROJECT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-254 FLORIDA, APPROVING THE PLANS FOR THE DAVIE ROAD BEAUTIFICATION PROJECT.

8.17 LOAN FOR BEAUTIFICATION PROJECT - A RESOLUTION OF THE TOWN OF R-98-255 DAVIE, FLORIDA, APPROVING A LOAN NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR ADDITIONAL IMPROVEMENTS TOWARDS THE DAVIE ROAD BEAUTIFICATION PROJECT.

(Davie Road generally between SW 43 Street and SW 38 Court)

8.18 LOCAL OPTION GAS TAX - A RESOLUTION OF THE TOWN OF DAVIE, R-98-256 FLORIDA, APPROVING AND EXECUTING THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE Town, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL ONE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

8.19 FIRE RESCUE SERVICES ASSESSMENT - A RESOLUTION OF THE TOWN OF R-98-257 DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

8.20 FIRE RESCUE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBCONTRACT AGREEMENT BETWEEN AMERICAN MEDICAL RESPONSE AND THE Town FOR PROVISION OF EMERGENCY MEDICAL SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE SUBCONTRACT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

8.21 TRAFFIC SIGNAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-258 URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO INSTALL A TRAFFIC SIGNAL SAFETY DEVICE AT THE NOVA SOUTHEASTERN UNIVERSITY HEALTH PROFESSIONS ENTRANCE ON UNIVERSITY DRIVE.

Ordinances - First Reading (Public Hearing to be held August 19, 1998)

8.22 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYISTS", RELATING TO LOBBYING ACTIVITIES IN THE Town; DECLARING THE INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION AND FILING AN ANNUAL STATEMENT AND REPORT OF LOBBYING ACTIVITIES; PROVIDING CERTAIN EXCEPTIONS; PROHIBITING CERTAIN UTILIZATION OF SUCH ANNUAL STATEMENTS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

8.23 CHARTER AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 7, SUBSECTION (G) AND SECTION 11 OF THE CHARTER OF THE Town, CONCERNING COUNCIL MEETINGS AND THE FIRE DEPARTMENT; PROVIDING FOR SUBMISSION OF SAME TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 1998; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis asked that item 8.10 be removed from the Consent Agenda. Vice-Mayor Cox requested that item 8.17 be removed. Councilmember Paul asked that item 8.14 be removed. Mr. Flatley announced that the Community Redevelopment Agency would be making a presentation for item 8.16. He indicated item 8.20 be deferred to the next meeting. Councilmember Weiner asked that items 8.6, 8.7 and 8.8 be removed.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 8.22 and 8.23 would be held on August 19, 1998.

Councilmember Bush made a motion, seconded by Councilmember Paul, to defer item 8.20 to August 19, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 8.6, 8.7, 8.8, 8.10, 8.14, 8.16, and 8.17. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.6, 8.7, and 8.8 Councilmember Weiner related some discussion regarding rental of the rodeo. He suggested looking in the future to establishing some type of maintenance, upkeep, and repair fund. Discussion followed on the revenue generated by the rodeo grounds and how the upkeep and maintenance should be handled. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve items 8.6, 8.7, and 8.8. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.10 Herb Hyman, Procurement Manager, and Mayor Venis discussed the idea of changing the specification to a five mile radius, which could ultimately lead to more bids and more money. Chief Mackie addressed the vehicle storage lots and the cost of towing being kept to a minimum. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve item 8.10 with a five mile amendment. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

8.14 Councilmember Paul suggested that it might be more advantageous to hold four large agency meetings a year as opposed to one. Councilmember Bush stated that the Joint Economic Development Steering Committee scheduled the large agency meetings and to determine the pulse of the community. Councilmember Paul stating that what occurred at the larger meetings was a repetition of the Steering Committee meeting. Councilmember Bush agreed, but advised that setting up the meetings several times a year had been attempted and it had not worked. Vice-Mayor Cox suggested that having one meeting a year with smaller committees meeting more often in between seemed to be productive in terms of accomplishing business. Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve item 8.14. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.16 Neal Kalis, Chair of the Davie Community Redevelopment Agency (CRA) made a presentation outlining the history of the beautification project and what the CRA hoped to accomplish in terms of downtown sidewalks, streetlights, road width, and landscaping.

Vice-Mayor Cox asked that the Department of Transportation be asked to place a mast arm stoplight fixture over the rodeo grounds entrance. She expressed concern over the closeness in proximity to the enhancements in front of Lums and the Davie/Cooper City Chamber of Commerce. Vice-Mayor Cox discussed the repayment of the loan and indicated that she would like to see a repayment plan at the next Council meeting. Discussion followed. Mayor Venis asked questions regarding streetlights and what kind of irrigation would be in the landscaping along the sidewalks. There was also discussion regarding the time frame in which this project would be completed. Chair Kalis stated that there were opportunities for extras in the beautification project. He indicated that the CRA was asking that the Town lend the CRA an amount not to exceed \$400,000 which would provide some of the extras that would enhance the project. Chair Kalis suggested that it would cost less money ultimately to do the project right the first time rather than having to go back and make changes.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve item 8.16. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.17 Vice-Mayor Cox reiterated that she wanted a repayment schedule presented at the next Council meeting and with that condition she would be willing to approve this item.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve item 8.17 with the above stipulation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. SITE PLANS

9.1 SP 3-3-98, Kelly Tractor Parcel "A" Zacco Plat, 2801 Reese Road (M-3, County) (tabled from July 15, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved as it exceeded County Code requirements, subject to the Planning and Zoning Division recommendation, with a caveat that they identify on the elevation the colors of the materials and the glass block with a 1, 2, 3*

Bob Richards, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve item 9.1 with the addition of the Planning and Zoning Division recommendation and the Site Plan Committee recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.2 SP 5-4-98, Eckerds - Davie Road/Nova Plat, 2920 Davie Road (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, amending the Planning and Zoning Division recommendation 3 to include the south facade instead of the east facade, providing the columns structures around the downspouts and the addition of one color in a shade between two beiges for the 8 x 8 block*

Joe Hanley, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve item 9.2 with the addition of the Planning and Zoning Division recommendations as modified by the Site Plan Committee recommendation, including the petitioner's agreement to finish all four sides. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.3 SP 5-5-98, Office Building for East Davie Company, 4260 SW 64 Avenue (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*
Sam Engel, representing the petitioner, was present along with Tom Truex. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve item 9.3. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.4 SP 5-6-98, Academy High School, 4850 South Pine Island Road (CF) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and removing unscreened dumpster from the property*

Frank Dino, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Weiner asked Mr. Rawls if he had looked at the traffic issue with regard to the planned turn-around area. Mr. Rawls replied affirmatively indicating that a fall-back plan existed if curb-side service failed to materialize. He added that this plan would be brought back to the Council if need be.

Councilmember Bush made a motion, seconded by Councilmember Paul, to approve item 9.4 subject to the planning report. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, 98-38 FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED "TOWN COUNCIL" BY ADDING THERETO SECTION 2-42 ENTITLED "INTERFERENCE WITH ADMINISTRATION", PROVIDING FOR PROHIBITION FROM INTERFERING WITH VARIOUS EMPLOYEE RELATED MATTERS;

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 15, 1998)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve Item 10.1. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

Vacation/Abandonment

10.2 **VACATION** - VA 12-1-97, Nickerson, 5357 SW 48 Street (tabled from June 17, 1998) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Paul Stone, representing the petitioner, was present. Ms. Easterling read the planning report.

Mayor Venis asked if anyone wished to speak for or against the vacation/abandonment. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve item 10.2. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

10.3 **VARIANCE** - V 6-2-98, Jeff Falkanger & Associates, Inc./All Service Auto Plaza Limited Partnership, 4601-4691 South State Road 7 (B-2) *Planning and Zoning Division approved request (1) subject to the planning report; approved requests (2) and (3); approved request (4) subject to the planning report; and denied requests (5) through (11); Planning and Zoning Board approved requests (1) through (4) subject to the planning report; approved request (5) as modified reducing the buffer from ten feet to five feet and leaving the wall as it currently exists; approved request (6); and denied requests (7) through (11)*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Doug Snyder and Mark Stelnick, representing the petitioner, were present. Mr. Snyder attempted to clarify some of the items in the variance. He expressed the fact that the petitioners concern with regard to requests (7) through (11) had to do with the 20% rule in relation to a natural disaster. Mr. Webber stated that approving the variance with the consideration of the 20% rule could set a precedent with regard to all non-conforming properties in the Town. Ms. Mellgren suggested that rather than approving requests (5) through (11), it might be appropriate to come back to the Council and ask for variances once a site plan was developed upon redevelopment of the site. Vice-Mayor Cox expressed agreement with Ms. Mellgren's suggestion.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve requests 1 - 4 subject to staff recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Councilmember Bush, to deny requests 7 - 11. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Paul made a motion to deny request 5. The motion died due to a lack of a second.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve request 5 in accordance with the Planning and Zoning Board's recommendation to reduce the buffer from ten to five feet. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Councilmember Bush, to deny request 6. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.4 VARIANCE - V 6-3-98, Gonzalez/Martinez, 4190 SW 61 Avenue (RM-16) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

This item was tabled earlier in the meeting.

10.5 SPECIAL PERMIT - SE 5-1-98, Nextel Communications, Inc./Shurgard Institutional Fund, L.P., 250 SW 136 Avenue (B-3) (to locate a telecommunication device in the B-3 District) (tabled from July 15, 1998) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved to the planning report so long as the special permit for the billboard remains in full force and effect and, should the special permit for the billboard be revoked, rescinded, and/or terminated, this special permit would also be revoked, rescinded, and/or terminated at the same time*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. Alan Gabriel, representing the petitioner, was present and provided the Council with photographs. A discussion ensued regarding the appearance of the billboard, the matter of advertising payments, and the positioning of the antenna.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Tom Truex spoke in favor of the special permit, citing that the EASE Foundation would be very appreciative of the revenues generated by the Council's approval. He also requested that Council approval be subject to a contract being signed between EASE and Nextel.

Ms. Mellgren also requested that in addition to Mr. Truex' request that approval be subject to a clear understanding that the pole should be strictly in conjunction with the billboard.

Councilmember Paul expressed the opinion that placing the antenna on top of the billboard added insult to injury and she felt that it would be visible to the residents. Councilmember Weiner share Councilmember Paul's opinion.

Mayor Venis asked Mr. Gabriel why the antenna could not be tapered at the top. Mr. Gabriel explained that it did not taper as it goes up but it was a smaller diameter than the base, indicating that the diameter of the base was 60 inches and the diameter of the extension was 54 inches. He stated that the petitioner was not aware of there being the capability to taper the pole all the way up, but suggested that they would look into it.

Kevin Kiar from Nextel commented that the design was in accordance to South Florida Building Code requirements; however, he also indicated that the question would be asked of the engineers who designed the pole. Mayor Venis stated that the answer to that question would be important in making a decision on the special permit.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table item 10.5 until August 19, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.6 STAFF REQUESTING A TABLING TO AUGUST 19, 1998

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-1-1-98, AMENDING THE CODE OF ORDINANCES OF THE Town, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (A) "RESIDENTIAL DISTRICTS," TO ELIMINATE REFERENCES TO SPECIFIC TYPES OF SPECIAL RESIDENTIAL FACILITIES AND "SUBDIVISION FACILITIES," TO PERMIT "SPECIAL RESIDENTIAL FACILITY" IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT THE "MH" DISTRICTS SUBJECT TO DETAILED USE REGULATIONS CONTAINED IN SECTION 12-34; AMENDING SUBSECTION (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS" TO PROHIBIT "SPECIAL RESIDENTIAL FACILITIES" IN THE "SC," "B-1," "WT," "B-2," "UC," AND "B-3" DISTRICTS; AMENDING SUBSECTION (D) "RECREATIONAL, COMMUNITY FACILITIES AND

UTILITIES DISTRICTS," TO REPLACE REFERENCES TO SPECIFIC RESIDENTIAL FACILITIES WITH THE CATEGORICAL REFERENCE, "SPECIAL RESIDENTIAL FACILITY" AND PERMITTING "SPECIAL RESIDENTIAL FACILITY" IN THE "NCF," "CF" AND "PCF" DISTRICTS; DELETING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (Z) "SPECIAL RESIDENTIAL FACILITIES," IN ITS ENTIRETY; ADDING SUBSECTION 12-34(Z)(1), (2) AND (3) PROVIDING FOR THREE CATEGORIES OF SPECIAL RESIDENTIAL FACILITIES AND MAXIMUM DENSITY; ADDING SUBSECTION 12-34(Z)(4) PROVIDING FOR MINIMUM DISTANCE SEPARATIONS; ADDING SUBSECTION 12-34(Z)(5) REQUIRING PROOF OF LICENSING BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND ADD NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled during the meeting.

10.7 STAFF REQUESTING A TABLING TO AUGUST 19, 1998

COMPREHENSIVE PLAN AMENDMENT APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT)-98-1E, AMENDING THE FUTURE LAND USE ELEMENT OF THE Town COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled during the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Child Safety Board (term August 1998 to July 1999)

Councilmember Weiner appointed Ron Adderly and Diane Enten. Councilmember Bush and Mayor Venis deferred their appointments to the next meeting.

11.2 Parks and Recreation Advisory Board (split terms: 5 members would have a term of September 1998 to August 1999; 5 members would have a term of September 1998 to August 2000)

Councilmember Weiner appointed Michele Whitman to a two year term and deferred the one year appointment until August 19. Vice-Mayor Cox appointed Debbie Apolinario to a two year term and Lisa Edmondson to a one year term. Mayor Venis reappointed Joette Alongi for the one year term and Maria Sheldon for the two year term. Councilmember Bush reappointed Corey Johnson for the one year term and Sandy Lloyd for the two year term. Councilmember Paul appointed Joyce Stewart and Gayle Ling.

11.3 Unsafe Structures Board (term expires April 1999)

No appointment was made at this time.

11.4 Florida Legislature's South Broward Utility Advisory Board

Mayor Venis appointed Howard Neu. Councilmember Paul appointed Jay Stahl. In a voice vote, all voted in favor.

12. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

12.1 Site-Plan Changes After Council Approval

Mr. Webber explained that petitioners made concessions with regard to their site plan that went beyond the requirements of the Code and after they received approval, they would come back in seeking modifications to the site plan to bring it just into compliance with the Code. He indicated that the issue became whether the Town had the authority to refuse to allow this to occur. Mr. Webber's memorandum suggested that when approval was given to a site plan that went beyond Code requirements, that the concessions be reduced to a declaration of restrictive covenants that could be recorded as a covenant running with the land which would be binding on the land. There was discussion amongst the Council members with regard to how various scenarios would be handled under the terms of a declaration of restrictive covenants.

Mr. Webber was questioned as to whether this needed to be done by resolution or in the form of an ordinance. He responded that an ordinance was not needed but suggested that a resolution could be prepared explaining the purpose.

12.2 Park Bond Projects

Mr. Rawls briefly shared with the Council the progress that had been made on the park bond referendum. Copies of a polls and surveys taken with regard to public acceptance was passed out to the Council members. At this point, a \$10 million bond had about a 52% approval, and \$7 million bond had a 61% approval; however, response to the actual monetary figures was lower in terms of approval ratings. Mr. Rawls indicated that there was still quite a bit of work to do in educating the public as to the projects and what they could bring to the community. He stated that the Town would be notified by August 21st whether the issue would be on the ballot in the fall and Council must make a decision by August 19th on bond initiative and a dollar amount that would be reduced to a resolution to be transmitted to Jane Carroll's office.

Mr. Rawls asked for one correction to be made under the Parks and Recreation Board Recommendations, page 14, \$2.5 million should be in the column for the multi-purpose center at the Pine Island Community Center. He indicated that amount was reflected in the total although it did not appear in the column above.

Councilmember Paul questioned whether the items listed in the proposed budget were prioritized or just listed randomly. She suggested that it might be helpful for Council to know what the Parks and Recreation Advisory Board felt were the most important items. Mr. Rawls explained the methodology behind the survey. He stated that the Board was indicating in the survey that if a \$10 million bond was secured, the projects listed were being recommended.

Mr. Rawls suggested having a workshop where the projects could be discussed. After some discussion, it was decided that a workshop would be held on August 12th. Mr. Rawls indicated that he would provide updated documents by the end of the week.

13. NEW BUSINESS

13.1 Markets Within Multi-Family Communities to Serve Residents

Ms. Mellgren explained that the Sun Forrest Apartment community would like to place a small convenience mart interior to the site to serve the residents. She asked for input from Council on this issue.

Dave Watkins briefly described to Council a plan to convert an area in the complex into a convenience market. He gave an overview of how this was being done all across the country.

Vice-Mayor Cox questioned Mr. Watkins with regard to how deliveries were handled. Mr. Watkins responded that the deliveries would be very minimal, not much more than what already came into the community to fill vending machines and various other deliveries that were made on a regular basis.

Mayor Venis stated that he had seen this sort of arrangement in other places and did not had a problem with it.

Vice-Mayor Cox and Councilmember Paul also indicated that they did not have a problem.

There was a question in terms of how this facility would be classified for tax purposes. Ms. Mellgren indicated that it was not clear in the Code. The issue of the sale of beer and wine was also mentioned as a point that would need consideration. Vice-Mayor Cox suggested that Ms. Mellgren look into the issue, but indicated that each individual site should be considered under the auspices of a special permit.

13.2 Dog Ordinance

Mayor Venis related a situation with large dogs that were not controlled by their owners. Mr. Webber indicated that his office was working on an ordinance that would enable the Town to do something. Chief Mackie indicated that the Police Department's hands were tied with regard to taking any action.

Mr. Webber stated that there was an ordinance which stated that owners could not allow their dogs to run loose, but pointed out that a recent ruling by a circuit judge was creating a question with regard to the term "allow" requiring proof of intent. This ruling had led to problems with many municipalities. Mr. Webber indicated that after surveying many other municipalities' ordinances, the City of Boca Raton had one that seemed the most appropriate.

Councilmember Weiner asked whether the ordinance would cover other animals. Mr. Webber indicated that the proposed ordinance would just cover dogs. Councilmember Paul asked that there be discussion about how the barking dog issue would be presented because this could be a difficult situation for her constituents.

Mayor Venis brought up the horse trail issue with Mr. Webber asking for direction from Council. Mr. Webber advised that he was convinced that the next step was the stipulation and let the judge make a decision. Vice-Mayor Cox indicated that she felt the legal issue should be resolved and let the judge decide with Councilmember Paul indicated that the Town needed to move ahead. Mr. Webber agreed that there were genuine legal issues involved and indicated that the paperwork could probably be filed within 30 days.

Mayor Venis stated that 60 days ago, Council had reviewed Mr. Flatley's job performance and added that he had been monitoring the situations that Mr. Flatley was working on. He was disappointed that there had not been much progress made and suggested that the probation be cut short.

Vice-Mayor Cox indicated that she thought a review was to be made in November. Mayor Venis agreed, however, advised that he thought that the Town was regressing over the past 60 days. Mayor Venis stated that he had been walking around Town Hall and it seemed as if the confidence level and morale was "not there".

Councilmember Paul stated that although she was still not happy with some situations, she did not feel that they should take any action until there had been time to think things through. She said that she had also been critical but Council had agreed to give Mr. Flatley until November so that the new Councilmembers knew how he worked. Councilmember Paul stated that Mr. Flatley had been trying to work with her on some of her initiatives but there were still things that she was not happy about which might give her reason to move in the direction that Mayor Venis was speaking.

Councilmember Weiner commented that he was bothered by the fact that the issue was being brought up without being on the agenda. He stated that if the situation in the Mayor's perspective had worsened, he would "hate to be the manager sitting there working with him" until November unless things changed dramatically. Councilmember Weiner indicated that two months ago, it needed to be decided whether to either give Mr. Flatley a raise, keep him the same, or let him go. He stated the issue was whether or not the Council had confidence in the Town Administrator.

Councilmember Paul questioned if action were taken now, what was the next step and questioned if a national search was needed. Councilmember Weiner mentioned that Mr. Rawls had previously served in an interim capacity and then the Town could begin its search.

Mayor Venis suggested that a much broader search be undertaken in an attempt to get a new face into Town Hall. He also stated that he did not object to spending money on the search.

Councilmember Weiner made a motion to terminate the services of the Town Administrator and provide him with a three month severance package and start a search. Mr. Webber indicated that he believed that the Town Administrator had a contract which Vice-Mayor Cox believed addressed severance. Councilmember Weiner amended his motion to terminate the Town Administrator and pay him the severance package in accordance with the contract. Mayor Venis passed the gavel and seconded the motion.

Councilmember Bush stated that he was surprised at how quickly this issue was coming up. He indicated that he had voted to give Mr. Flatley a raise and to renew his contract and still felt that way. Mayor Venis responded that he thought it was important to bring this issue up as he felt that no progress had been made.

Mr. Webber questioned if this item had been added to the agenda and after some discussion it was determined that it needed to be added to the agenda.

Mayor Venis passed the gavel and made a motion, seconded by Councilmember Weiner, to add the item to the agenda. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Mayor Venis who passed the gavel, to terminate the Town Administrator and pay him a severance package in accordance with his contract. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner -yes. (Motion carried 3-2)

Councilmember Weiner made a motion, seconded by Mayor Venis who passed the gavel, to go out for a national search. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis asked for a motion to appoint Mr. Rawls as the Interim Town Administrator. Discussion was held with regard to appointment of an Interim Town Administrator and Mr. Webber indicated that an Interim Town Administrator could be appointed and that there were no restrictions as to who it could be.

Vice-Mayor Cox seconded the motion. It was clarified that Mayor Venis made the motion to appoint Mr. Rawls as Interim Town Administrator. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:18 a.m.

